

Appl No. 10/644,254
Amdt. dated Dec. 9, 2004
Reply to Office action of Nov. 16, 2004

REMARKS/ARGUMENTS

With regard to the requirement for election and restriction which is the only point raised in the office action, applicant hereby provisionally elects Group Two identified by figures 9-10 and consisting of claims 1-15, but traverses the requirement insofar as Group Three identified by the Examiner as figures 12-16 is concerned. It is believed that Group Three, figures 12-16, consisting of claims 1-15, are obviously so closely related that they should remain in the same application to preserve the unity of the invention and to avoid any possibility of a charge of double patenting arising at some later date. The elected Group Two, claims 1-15, are readable on the alternate movable slide mounting bracket assembly 51 as set forth in the specification referring to figures 9, 10 and 11. This alternate form was disclosed having an alternate mounting bracket assembly 50 which consist essentially of no more than a pair of pivot fittings 61 and 62 and allows the assembly to be adjustably slid along the existing ratchet mounting rail 58 which extends from the underside of the trailer.

The folding assembly and all other aspects including the mounting frames, associated slots 46 are identical.

More importantly, the claims which the Examiner identified claims 1 and 2 as being generic with the remainder of the claims which are all dependent or multiple dependent from those generic claims and therefore support not only the

elected Group Two, figures 9 and 10, but Group Three, figures 12-16 which introduces an alternate handle configuration, but is readable within the context of the claims.

It is respectfully believed that the Examiner is trying to draw too fine a line of distinction and that when all the various facts are taken into account, Groups Two and Three can remain in the application. In any event, Group Two has been elected and hence the claims 1-15 are entitled to action on their merits.

This applicant has fully and completely responded to the office action and has made the required election; this application is now in order for early examination at least on the merits of Group Two, claims 1-15.

Respectfully submitted,

James K. Hawley

By 
R.C. Harpman, Reg. No. 29,802

(330) 758-7505